





Chairman Lindell asked, in the event of a flood, would they have any equipment or material on the property @ 2204 Rodman Rd. that would be carried away by flood waters.

Mr. Gallo stated they would not.

Commissioner Backer asked if they had a place to store the vehicles if they needed to move them in event of a flood.

Mr. Gallo stated they did.

Town Manager, John Giles, stated they would need a certificate of elevation for the building stating that it was out of the Flood Plain, if the building has been vacant for a period of time and now is looking to be occupied.

Mr. Papa stated that his business, Papa Construction, had occupied the building prior to moving out to make room for Gallo Tree Service.

**ACTION:** A motion was made by Commissioner Backer to Approve of Petition 12-7, provided they meet all Town Codes and regulations. Commissioner Russo seconded the motion.

**VOTE:** All in favor

Motion Carried

Review Petition 12-8 Tax Parcel #1900-200-143

Commissioner Sheldon asked if the property at 0 Elsmere Blvd. was fenced in.

Mr. Papa stated it is.

Chairman Lindell asked Mr. Gallo to describe the material he's intending to temporarily store.

Mr. Gallo stated they would be storing raw debris and chips from the trees they cut down, as well as mulch.

Chairman Lindell stated he's not so sure that this is going to be "temporary storage".

Mr. Gallo stated that he feels his space is pretty limited and would therefore need to bring in raw materials, process it, then get rid of it. He also said he didn't want to make too big of a pile of materials and get ahead of himself.

Chairman Lindell stated that if there was runoff associated with flood waters, the material would wash away and the mulch and smaller debris wouldn't be held back by the fence.

Mr. Casper stated that it's their intent to put a silt fence at the low end of the mulch pile that would be 2ft. tall, and that should contain the mulch.

Commissioner Anderson stated that it's currently a wooded lot. He asked that, when they cut everything down, what kind of surface it would be.

Mr. Gallo stated that it would be just the grass and dirt.

Mr. Swift asked if they were planning on clearing out the trees from the lot.

Mr. Gallo stated that some would come down and some would stay, but whatever's in the way would be cleared.

Mr. Dan Lysinger, co-owner of PAC Properties, stated that it's mostly overgrown weeds, brush, and "stickers".

Commissioner Anderson asked if the storage was going to be for commercial resale.

Mr. Gallo stated that they weren't planning on that because the property's not really visible and not good for advertisement, and that they were going to deliver the mulch themselves. He went on to say that it's mainly to get rid of any byproduct his company may create.

Commissioner Backer read from Exhibit 12-8 D which states that FEMA doesn't have a definition for "Temporary Storage" and that any new construction, development, use, activity, or encroachment that would cause any increase in flood heights shall be prohibited.

Town Manager Giles stated that when they asked FEMA to define "Temporary Storage" they said that if you could go out, start it with a key, and move it, then it was fine, otherwise it's not permitted. He went on to say that the piles of mulch and such that Mr. Gallo is planning to store, may change in size day to day, but ultimately will always be there, which is not temporary storage. He also asked of the Commission, if they were to approve this petition, that it be contingent upon approval of the use being provided by the FEMA Region 3 Compliance Officer, as well as, the State of Delaware Flood Plain Manager, Michael Powell or Greg Williams, and the abide by the rules and regulations of the Town of Elsmere concerning flood plain regulations. He went on to say that they will not be foresting any trees in the Flood Plain without his approval.

**ACTION:** A motion was made by Commissioner Russo to Approve of Petition 12-8, contingent upon approval of the use being provided by the FEMA Region 3 Compliance Officer, as well as, the State of Delaware Flood Plain Manager, and the abide by the rules and regulations of the Town of Elsmere concerning flood plain regulations. Commissioner Sheldon seconded the motion.

**VOTE:** All in favor Motion Carried

#### **OLD BUSINESS:**

##### Review of the Annual Comprehensive Plan

Mr. Lindell presented a spreadsheet he generated and stated that it broke down the Urban Community Master Plan for Atwater, New York a little.

Commissioner Backer stated he's waiting on packets that are being mailed to him from the University of Delaware providing information on trees.

#### **ITEMS SUBMITTED BY CHAIRMAN AND BOARD MEMBERS:**

None

#### **PUBLIC COMMENT:**

None

#### **ADJOURNMENT:**

**ACTION:** A motion was made by Commissioner Swain to adjourn. Commissioner Russo seconded the motion.

**VOTE:** All in favor Motion Carried

At this time the meeting was adjourned.

These minutes summarize the agenda items and other issues discussed at the April 3, 2012 Planning Commission Meeting. Votes are recorded accurately. The audio tape(s) of this meeting will be available at Town Hall for a period of two years from the date these minutes are approved. The audio tape(s) may be reviewed at Town Hall by appointment and in accordance with the Freedom of Information Act.

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**CHARLES LINDELL, CHAIRMAN**

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**LEON BACKER, SECRETARY**